

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF OKLAHOMA

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In the matter of:

Case No.  
Chapter

Debtor. /

Plaintiff(s),

vs.

Adv. Pro. No.

Defendant(s). /

**REPORT OF PARTIES' RULE 26(f) CONFERENCE**

Pursuant to Fed. R. Bank. P. 7026 and Fed. R. Civ. P. 26(f), a conference was held on \_\_\_\_\_, 200\_\_, at (place)(or indicate if by telephone or other means) and was participated in by:

(name) for plaintiff(s)  
(name) for defendant(s) (party name)  
(name) for defendant(s) (party name)

This is submitted as the required report of that conference.

(1) Initial Disclosures required by Fed. R. Civ. P. 26(a)(1).

[ ] The parties will provide such by \_\_\_\_\_, 200\_\_; or

[ ] The parties agree to provide the following at the times indicated:

(2) Discovery Plan. The parties jointly propose to the Court the following discovery plan: (Use separate paragraphs or subparagraphs as necessary if parties disagree.)

- (a) Discovery will be needed on the following subjects: (brief description of subjects on which discovery will be needed)
- (b) All discovery commenced in time to be completed by \_\_\_\_\_, 200\_\_.  
[Discovery on (issue for early discovery) to be completed by \_\_\_\_\_, 200\_\_.]
- (c) Maximum of \_\_\_\_\_ interrogatories by each party to any other party. [Responses due \_\_\_\_\_ days after service.]
- (d) Maximum of \_\_\_\_\_ requests for admission by each party to any other party.  
[Responses due \_\_\_\_\_ days after service.]
- (e) Maximum of \_\_\_\_\_ depositions by plaintiff(s) and \_\_\_\_\_ by defendant(s).
- (f) Each deposition [other than of \_\_\_\_\_] limited to maximum of \_\_\_\_\_ hours unless extended by agreement of parties.
- (g) Reports from retained experts under Rule 26(a)(2) due:  
from plaintiff(s) by \_\_\_\_\_, 200\_\_  
from defendant(s) by \_\_\_\_\_, 200\_\_
- (h) Supplementations under Rule 26(e) due (time(s) or interval(s)).

(3) Other Agreed Upon Items. [Use separate paragraphs or subparagraphs as necessary if parties disagree.]

- (a) Plaintiff(s) should be allowed until \_\_\_\_\_, 200\_\_ to join additional parties and until \_\_\_\_\_, 200\_\_ to amend the pleadings.
- (b) Defendant(s) should be allowed until \_\_\_\_\_, 200\_\_ to join additional parties and until \_\_\_\_\_, 200\_\_ to amend the pleadings.
- (c) All potentially dispositive motions should be filed by \_\_\_\_\_, 200\_\_.
- (d) The proceeding should be ready for trial by \_\_\_\_\_, 200\_\_. The trial is expected to take approximately \_\_\_\_\_ trial days.
- (e) Jury Trial Matters
  - (i) ☐ a jury trial was not timely demanded and is waived; or  
☐ a jury trial was timely demanded, but is waived; or  
☐ a jury trial was timely demanded but not waived.
  - (ii) ☐ the parties consent to the Bankruptcy Court conducting the jury trial; or  
☐ the parties do not at this time consent to the Bankruptcy Court conducting the jury trial.
- (f) The parties agree that:
  - ☐ This is a core proceeding, or
  - ☐ This is a non-core proceeding otherwise related to the bankruptcy case.

(4) Other matters.

(5) Matters not agreed upon or insufficiently addressed by the foregoing.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Signatures of all participants required)

Dated:

MODEL FORM  
10/10/02

## **PART VII. ADVERSARY PROCEEDINGS**

### **Rule 7001-1 ADVERSARY PROCEEDING - GENERAL**

(a) An adversary proceeding is commenced by filing a complaint, cover sheet (L. F. 1), and appropriate filing fee set forth in 28 U.S.C. Section 1930.

(b) The parties will receive the Court's Instruction Governing Adversary Proceedings and shall be required to comply with the provisions contained therein.

(c) A scheduling conference shall be conducted by the Court to set forth time limitations and discuss preliminary issues with regard to the pending adversary. The scheduling conference will be held telephonically unless otherwise ordered by the Court. The Clerk shall send the notice of the scheduling conference to all parties.

### **Rule 7007-1 MOTION PRACTICE IN ADVERSARY PROCEEDINGS**

*See LBR 9013-1 (a)*

### **Rule 7016-1 PRETRIAL PROCEDURES**

(a) The pretrial conference shall be for the discussion of all issues between the parties and preparation of the case for trial. Counsel for the plaintiff and defendant and any pro se litigants who will conduct the trial shall attend the pretrial. Failure to attend the pretrial conference may result in the dismissal of the case.

(b) At pretrial, the Court shall establish the due dates for the final exhibit and witness lists, pretrial order, proposed findings of fact and conclusions of law and trial briefs. The Court shall also set a trial date.

(c) A pretrial order shall be submitted after pretrial. Counsel for plaintiff is responsible for preparing the pretrial order and all counsel shall cooperate in preparation of the order. The order shall follow the form contained in the Court's Instructions Governing Adversary Proceedings.

(d) The parties should be prepared to discuss the possibility of settlement at the pretrial conference. In addition, the parties should discuss prior to the pretrial whether a settlement conference would be beneficial to the parties.

(e) Prior to the trial, counsel shall mark all exhibits and provide sufficient copies for opposing counsel and two (2) copies for the Judge. Plaintiff's exhibits shall be marked numerically. Defendant's exhibits shall be marked alphabetically. Each counsel shall also provide the Court Recorder Deputy with a list containing the names and addresses of each witness and a list of exhibits set forth sequentially in the order intended to be identified and admitted.

*See LBR 9016-2 and 9070-1.*

**Rule 7026-1 DISCOVERY - GENERAL**

(a) Discovery requests, responses and documents shall be exchanged between the parties but not filed with the Court.

(b) Motions filed pursuant to Fed.R.Bankr.P. 7026 and Rule 7037, will not be considered unless movant has served a request for the desired discovery upon opposing counsel and that request has not been addressed or has been denied. A motion to compel discovery shall state such request has been served and remains unfulfilled. All motions to compel and responses thereto, as well as objections to requests for production of documents, for admissions to interrogatories shall have a copy of the request attached.

~~(c) The Court has opted out of the compulsory discovery provisions of Rules 26(a)(1) and 26(f), Fed. R. Civ.P.<sup>1</sup>~~

**Rule 7027-1 DEPOSITIONS AND EXAMINATIONS**

*See LBR 2004-1*

**Rule 7055-1 DEFAULT - FAILURE TO PROSECUTE**

Motions for Default Judgment shall contain the fifteen (15) day notice language set forth in LBR 9013-1(a) and the motion shall be mailed to the debtor and debtor's attorney, if applicable.

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<sup>1</sup>Abrogated by General Order 37